

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 15, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GEORGE RAPP, individually,

Plaintiff,

v.

FRANKLIN COUNTY, a Municipal

Corporation; and FRANKLIN COUNTY

SHERIFF JIM RAYMOND, in his

individual and official capacity,

Defendants.

No. 4:19-CV-05150-SAB

**ORDER DENYING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Before the Court is Defendants' Motion for Summary Judgment, ECF No. 19. The motion was originally set for oral argument on April 15, 2020, but due to the COVID-19 outbreak and related court closures, the motion was reset without oral argument. ECF No. 43. Having considered the motion, the briefing, and the relevant caselaw—and for the reasons discussed herein—the Court denies Defendants' motion for summary judgment.

Plaintiff is an employee of the Franklin County Sheriff's Office. He was terminated from his position as a road deputy in 2016. After winning at an arbitration proceeding guaranteed by his collective bargaining agreement, Plaintiff was reinstated by Defendant Sheriff Raymond to a position that was different from his original job. Plaintiff alleges that his constitutional rights were violated, and he

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JUDGMENT * 1**

1 has been retaliated and discriminated against by Defendants because he won at the
2 arbitration proceedings. Defendants argue that Plaintiff has not been retaliated
3 against or discriminated and, to the extent he has not been reinstated to the same
4 position, that Sheriff Raymond is merely following the arbitration order and has
5 legitimate reasons for not reinstating Plaintiff to his original position.

6 The credibility of Plaintiff and various other witnesses are at the heart of this
7 matter. Because there are general issues of material fact as to the conditions of
8 Plaintiff's employment and the legitimacy of Defendants' proffered reasons for
9 their treatment of Plaintiff since his reinstatement, summary judgment is not
10 appropriate. *See Wallis v. J.R. Simplot Co.*, 26 F.3d 885, 890 (9th Cir. 1994).

11 Accordingly, **IT IS SO ORDERED:**

12 1. Defendants' Motion for Summary Judgment, ECF No. 19, is **DENIED**.

13 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
14 and forward copies to counsel.

15 **DATED** the 15th day of April 2020.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
United States District Judge